



City of
Rockville
Get Into It

Planning Commission Staff Report Final Record Plat Application PLT2013-00526

MEETING DATE: April 24, 2013

REPORT DATE: April 17, 2013

FROM: Margaret M. Hall, Planner II
Planning Division
240.314.8226
mhall@rockvillemd.gov

APPLICATION DESCRIPTION: Final Record Plat,
for the replatting of Part Lot 8,
Block 11, Rockville Heights
Subdivision.

PROPERTY LOCATION: Monument Street

APPLICANT: Thomas N. and Christine H. Spendley
1016 Havencrest Street
Rockville, Maryland 20850

FILING DATE: March 28, 2013

RECOMMENDATION: Approval, subject to the conditions noted on page 7 of the Staff Report.

REQUEST: The applicant proposes to replat the existing property. The property contains 13,147 square feet of land and is made up of Part of Lot 8, Block 11 in the Rockville Heights Subdivision.



PROJECT/SITE INFORMATION:

Location: Monument Street, Part Lot 8, Block 11, Rockville Heights
Land Use Designation: Detached Residential (Medium Density, 2.5 to 4 Units Per Acre)
Zoning District: R-90, Single Unit Detached Dwelling, Restricted Residential
Plat Area: 13,147 Square Feet or 0.3018 Acres
Current Use : Vacant
Proposed Use: Single-Unit Detached Dwelling Residential

Surrounding Land Use and Zoning			
Location	Zoning	Planned Land Use	Existing Use
North	R-90, Single Unit Detached Dwelling, Restricted Residential	Detached Residential (Medium Density, 2.5 to 4 Units Per Acre)	Single-Unit Detached Residential
South	R-90, Single Unit Detached Dwelling, Restricted Residential	Detached Residential (Medium Density, 2.5 to 4 Units Per Acre)	Single-Unit Detached Residential
East	R-90, Single Unit Detached Dwelling, Restricted Residential	Detached Residential (Medium Density, 2.5 to 4 Units Per Acre)	Single-Unit Detached Residential
West	R-90, Single Unit Detached Dwelling, Restricted Residential	Detached Residential (Medium Density, 2.5 to 4 Units Per Acre)	Single-Unit Detached Residential

PREVIOUS RELATED ACTIONS:

- None

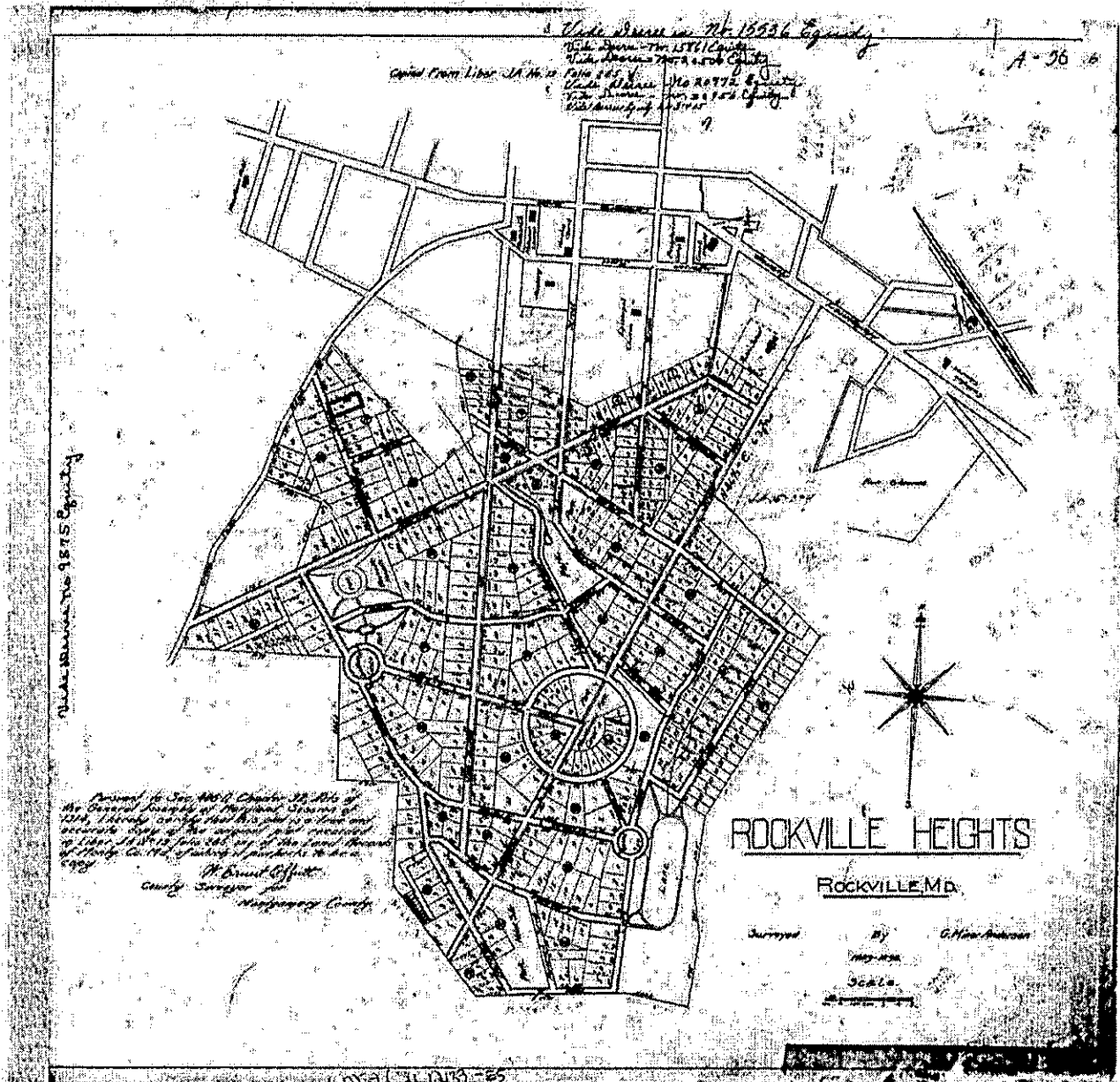
ANALYSIS:

Project Proposal

The applicant is requesting approval of a Final Record Plat in order to replat the existing property as a single record lot. The property had been part of a much larger property made up of multiple lots for many years. Its inclusion within a deed that contained other record lots or part lots that appear on the original Rockville Heights subdivision plat did not erase the previously created lot lines on the plat recorded in 1890 in Plat Book A, Page 6. As will be discussed below, the fact that it is not the entire lot that appears on that plat does not affect the applicant's ability to build on it.

Property Description and Background

The property appears on a subdivision plat recorded in Plat Book A, Page 6 among the Land Records of Montgomery County, Maryland. It is however only part of Lot 8, Block 11, in the Rockville Heights subdivision, where it is zoned R-90, Single Unit Detached Dwelling Restricted Residential.



The property had been part of a much larger property that was originally conveyed in two pieces in 1912 and 1913. Until the last couple of years the large property at 408 Great Falls Road had remained much as it was when it was deeded in 1912 and 1913; the only real difference being that a portion was deeded off for right-of-way expansion on Great Falls Road. The deeds that created the former property that made up the property known as 408 Great Falls Road as well as the adjacent property at 406 Great Falls Road do not reference the underlying Rockville Heights subdivision but deeds in general do not erase lots created by a subdivision plat.

The subject Part Lot represents a mostly intact Lot 8, Block 11 in the Rockville Heights Subdivision and is buildable without the need for resubdivision or replatting. A triangular portion, 1,853 square feet, of the rear of the lot became part of the property located at 406 Great Falls Road, thus creating two Part Lot 8s. The legal and buildable status of the subject Part Lot is assured in Section 25.21.04, where the transfer of land between two adjoining properties, where no new lot is created and the original lot is not reduced below the minimum size required in the zone, is a step that may be taken without the permission of the Planning Commission. The property may have lost 1,853 square feet but it still contains 13,147 square feet of land and the width of the lot was unaffected by the transfer.

Although the existing property is a buildable part lot, this application does not qualify under the provisions contained in Section 25.21.03, Recordation of an Existing Single Unit Detached Dwelling Residential Lot. Therefore, to provide this property with legal description that a Final Record Plat provides it is necessary to process this as subdivision, even though there is no assembly or division of land proposed with this plat.

Master Plan Recommendation

One of the Critical Issues identified in the 2002 Comprehensive Master Plan is infill development in residential neighborhoods. Although there was no specific mention of 406 and 408 Great Falls Road within either the Comprehensive Master Plan or the West End Neighborhood Plan, resubdivision compatibility was discussed with attention focused on the likelihood of the creation of pipestem lots and the character of potential residential infill as concerns. Since the 2002 Plan was adopted, the Zoning Ordinance has been changed to prohibit the creation of new pipestem lots. Also noted in the Plan were concerns about the "construction of a very large house in an area of small ramblers" and how they would be out of scale with existing neighborhoods. The Zoning Ordinance adopted in March of 2009, studied the situation and imposed some changes to the Development Standards. These standards included reduced heights for the main dwelling and accessory buildings in the R-60, R-75 and R-90 Zones. Limitations were also placed on impervious surface in the front yard in an effort to control impervious surfaces but also to aid in maintaining the character of existing neighborhoods.

Page 5

Zoning Compliance

This application proposes to replat the property as a single record lot, in effect removing the Part Lot description.

An interesting fact about properties that are Part Lots is that there is also at least one other Part Lot. This means that the property must rely on a description of its portion of the lot rather than the lot designation assigned on the plat, defeating one of the purposes for platting lots. In this case, the applicant owns the larger, mostly intact, portion of the original lot. As mentioned above, the Part Lot is buildable without the need for replatting due to the provisions contained in 25.21.04.b. Therefore, the reason for this replatting is to give the property its own legal description.

Subdivision is defined as “the division of a lot, tract, or parcel of land into two (2) or more lots, plats, sites, or other divisions of land or assemblage of land for the purpose, whether immediate or future, of sale or of building development. ‘Subdivision’ includes resubdivision and, when appropriate to the context, relates to the process of resubdividing. Resubdivision may also refer to the land or territory subdivided.”

In the R-90 Zone, properties must be a minimum of 25 feet wide at the front lot line and contain at least 9,000 square feet of land. This property is 75 feet wide at the front property line and contains 13,147 square feet of land. Additionally, lots must be a minimum of 80 feet wide at the front setback line. However, it is not possible for the property to meet the requirement that the lot width be 80 feet at the front setback line because there is no assemblage or division proposed by the plat.

Section 25.21.22.b, Resubdivision of Existing Lots, is also considered when a resubdivision is proposed in an existing neighborhood. Its provisions require that “in any resubdivision of developed or undeveloped lots within an existing residential area, the plat must maintain, to the extent feasible, the average area and frontage of existing lots within 500 feet of the proposed resubdivision.” Although this plat must be processed as a resubdivision for technical reasons, it does not meet the definition of a subdivision because no property is being assembled or divided as part of the application. Further, the property contained on the plat represents all of the land that the applicant owns. Therefore, since this is not technically a subdivision, but the rerecording of the property in its current configuration, Section 25.21.22.b does not apply.

Section 21.21.07 provides that the Planning Commission may grant a waiver from, or modification to, any provision of the Zoning Ordinance. “If the Commission finds that undue

hardship will result from strict compliance with any requirement of this Chapter (the Zoning Ordinance), it may grant a waiver or modification from such requirement so that substantial justice may be done if the public health, safety, aesthetics, or general welfare will not be impaired and the waiver will not be contrary to the intent and purpose of the Plan or this Chapter.” Since the proposed lot, at 75 feet wide, does not meet the current lot width requirement of 80 feet, a waiver or modification is needed for this application as part of the approval of the plat. Staff finds the waiver to be warranted because the applicant did not create the existing lot width, as it remains the same as when the Rockville Heights Subdivision was created in 1890. Further, staff believes that undue hardship will result if the Commission does not grant the waiver because the lot will remain a Part Lot, without the benefit of a legal description of its own.

The Adequate Public Facilities Standards (APFS) does not apply to this application because no new lots are being created.

Forest /Tree Preservation

Replatting of this lot does not prompt implementation of the forestry requirements. Compliance with the Forest and Tree Preservation Ordinance will need to be met at the time the property is developed.

Required Findings

There are no required findings that must be made in approving a Final Record Plat. Since this application involves the replatting of an existing single unit detached dwelling residential property and qualifies as a minor subdivision of three lots or less, it is not subject to the required findings associated with a Preliminary Plan of Subdivision application.

Staff Recommendation and Conditions

Staff recommends approval of Final Record Plat PLT2013-00526 subject to a waiver being granted for the substandard lot width and subject to the following conditions:

1. That the Plat be revised to make modifications/additions, as identified by Planning Commission or staff.
2. That the Final Record Plat be submitted in an appropriate electronic format as specified in Section 25.21.10.d of the City of Rockville Zoning Ordinance.

NOTIFICATION:

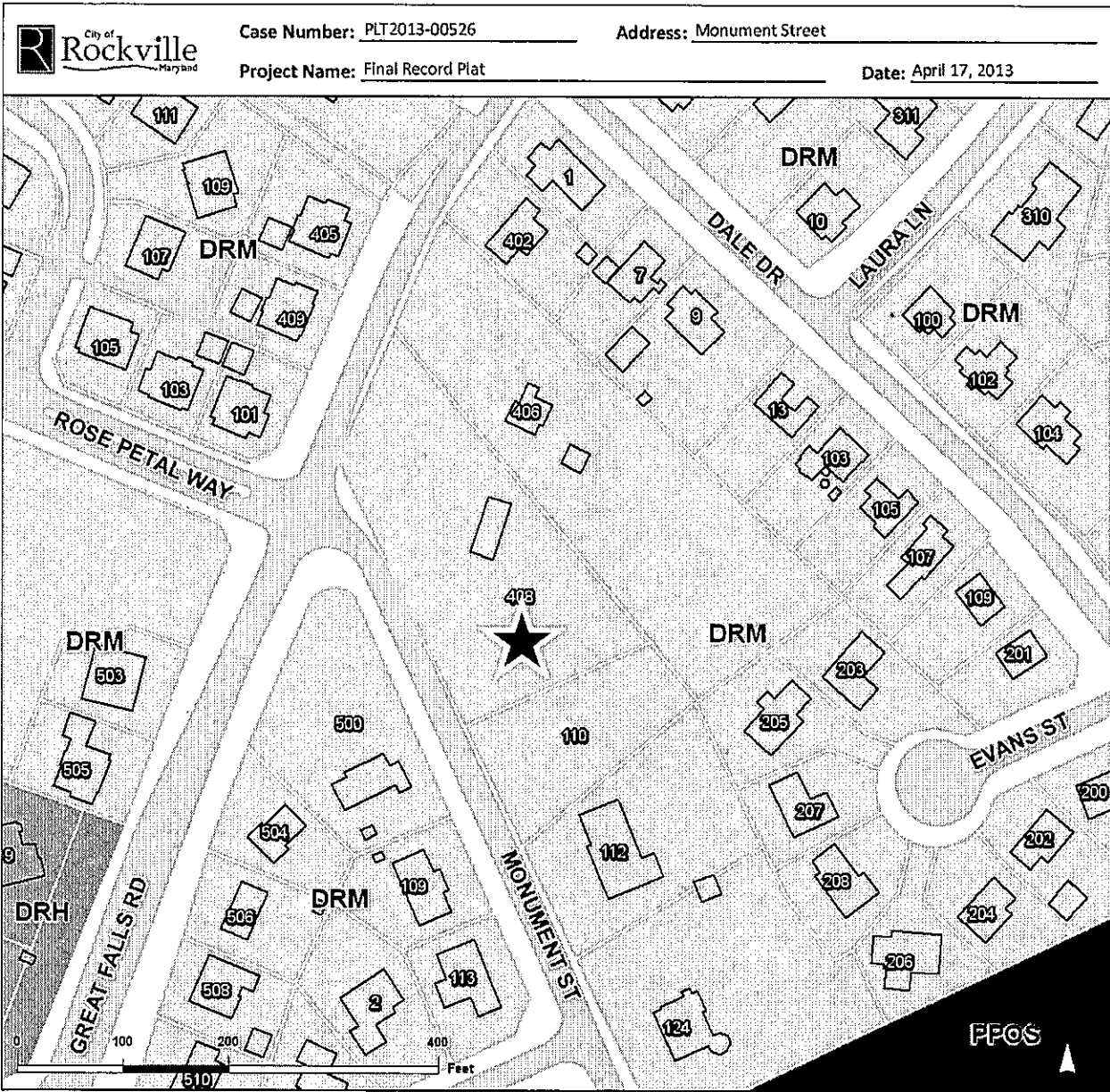
Public Notification of the Final Record Plat was made pursuant to the requirements of Section 25.21.11.d (“Notice”). Mailed notification was provided to 115 residents and property owners within the required 750-foot radius. Additionally, mailed notification was made to the West

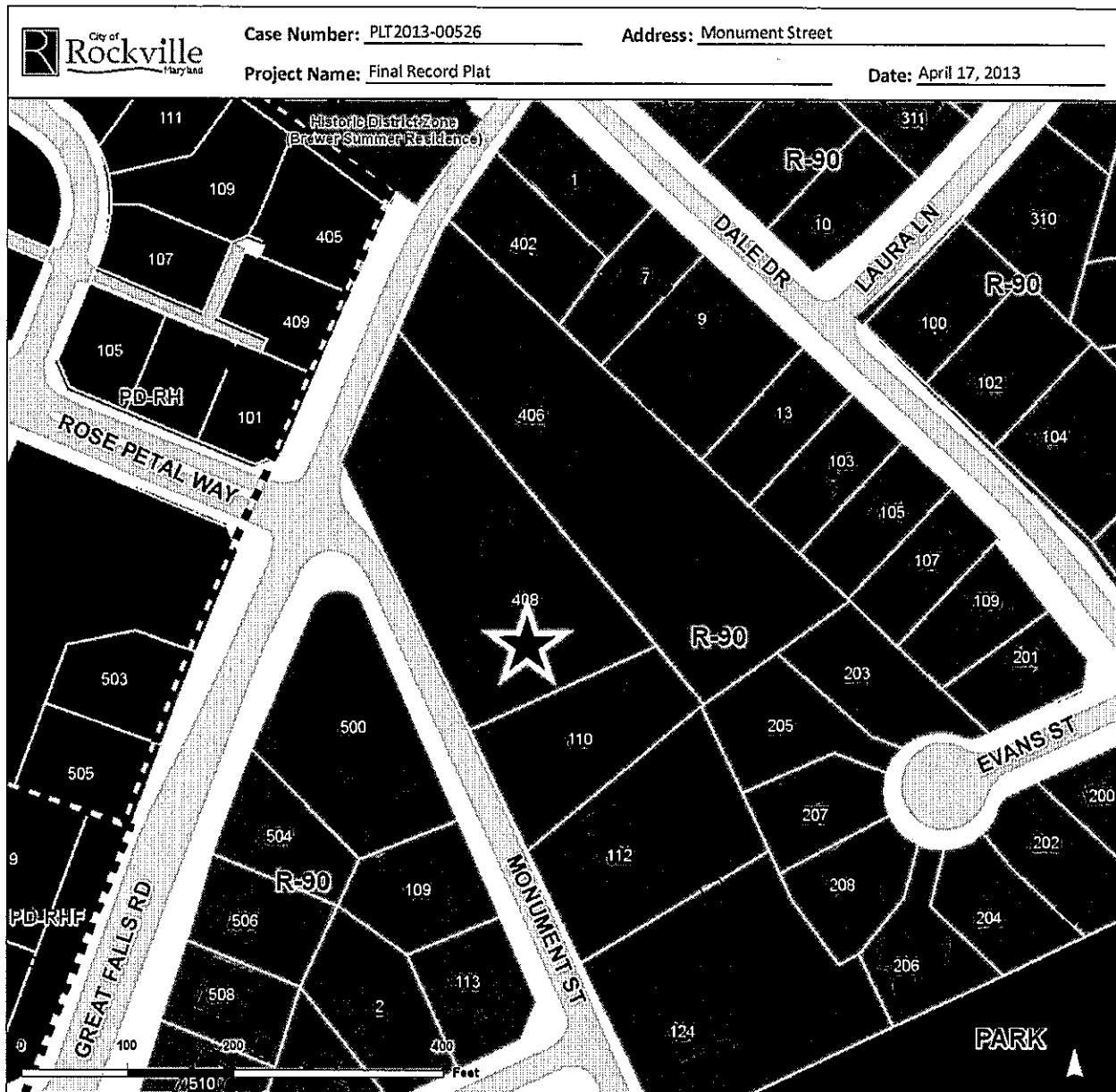
End Citizens Association. No posting of signs on the property is required. At the time of report preparation (April 17, 2013) staff has not received any comment regarding the plat.

ATTACHMENTS:

Attachment 1-1	Aerial Map
Attachment 2-1	Land Use Map
Attachment 3-1	Zoning Map
Attachment 4-1	Waiver Request







Legend

- R-400 - Residential Estate
- R-200 - Suburban Residential
- R-150 - Low Density Residential
- R-80 - Single Unit Detached Dwelling, Restricted Residential
- R-75 - Single Unit Detached Dwelling, Residential
- R-80 - Single Unit Detached Dwelling, Residential
- R-40 - Single Unit Semi-detached Dwelling, Residential
- RMD-10 - Residential Medium Density
- RMD-15 - Residential Medium Density
- RMD-25 - Residential Medium Density

- MXB - Mixed-Use Business
- MXC - Mixed-Use Commercial
- MXCD - Mixed-Use Corridor District
- MXE - Mixed-Use Employment
- MXNC - Mixed-Use Neighborhood Commercial
- MXT - Mixed-Use Transition
- MXTD - Mixed-Use Transit District
- PD - Planned Development
- PARK - Park Zone
- IL - Light Industrial

- Rockville city limits
- Zoning Overlays**
- Clusters
- Historic Preservation Parcels
- Lincoln Park Conservation Overlay
- Planned Developments
- Town Center Performance District
- Twinbrook Metro Performance District
- Special Exceptions

April 17, 2013

REQUEST FOR WAIVER OF MINIMUM LOT WIDTH

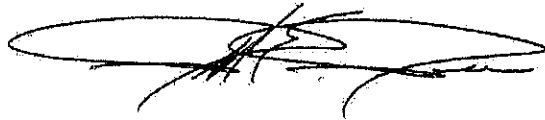
April 16, 2013

Re: **Subdivision Record Plat
Lot 14, Block 11, Rockville Heights
PLT 2013-00526**

On behalf of the Applicant, I hereby request that the City of Rockville Planning Commission grant a waiver of the minimum 80 feet Lot width criteria for this residential project. The proposed Lot 14 is a part of the originally platted Lot 8, Block 11 (recorded in Plat Book A, Plat No. 56). This original Lot was only 75 feet in width, and therefore it is impossible to meet the current width standard.

Thank you for your consideration of this request.

For the Applicants; Mr. and Mrs. Spendley, I am sincerely,



Russell E. Reese, LS
Vice President

3204 Tower Oaks Boulevard, Suite 200-A, Rockville, Maryland 20852 • T (301) 762-9001 • F (301) 294-6418 • www.maddoxinc.com



Attachment 4